

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) Case No. 4:17 CR 530 RWS
)
ALFONSO R. HAYDEN,)
)
Defendant.)

MEMORANDUM AND ORDER

The Court referred this matter to United States Magistrate Judge Nannette A. Baker for a report and recommendation on pending motions pursuant to 28 U.S.C. § 636(b). On September 30, 2020, Judge Baker filed her Report and Recommendation that defendant's motion to dismiss and motion for obstruction of justice should be denied as meritless, while defendant's motions in limine should be denied without prejudice as premature. [170].

Defendant objects to the Report and Recommendation by raising the same arguments made in front of Judge Baker, and this Court has conducted a de novo review of all matters relative to defendant's motions and objections.¹ Plaintiff has

¹ Defendant also filed a notice of interlocutory appeal [179], which was dismissed for lack of jurisdiction by the Eighth Circuit Court of Appeals on October 22, 2020. [184]. The mandate issued the same day. [185]

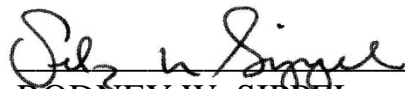
also filed a response to defendant's objections. [182]. After careful consideration, I will adopt and sustain Judge Baker's thorough Report and Recommendation in its entirety and deny the motion to dismiss and motion for obstruction of justice. I agree with Judge Baker's analysis that defendant's speedy trial rights were not violated for the reasons set out in the Report and Recommendation. Defendant (on his own and through counsel) filed numerous motions and requests for extension of time which tolled the speedy trial clock. Defendant's sixth amendment rights have not been violated, and the motion to dismiss will be denied. As for defendant's motion for obstruction of justice, Judge Baker also correctly concluded that the statute upon which defendant relies, 18 U.S.C. § 1519, does not provide a defendant with grounds to move for dismissal of an indictment. To the extent defendant is attempting to challenge the sufficiency of the indictment, Judge Baker correctly concluded the indictment was sufficient and correctly decided that defendant's motion should also be denied on that basis. Finally, Judge Baker correctly concluded that any motions in limine under Fed. R. Civ. P. 901(a) which relate to the admission of evidence at trial should be denied without prejudice to being raised before me at the trial of this matter. Defendant should file any motions in limine in accordance with the Order Setting Trial and Procedures in Criminal Cases issued on October 9, 2020. [175].

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation filed on September 30, 2020 [170] is adopted and sustained in its entirety.

IT IS FURTHER ORDERED that defendant's objections to the Report and Recommendation [177] are overruled.

IT IS FURTHER ORDERED that defendant's motion to dismiss [149] and motion for obstruction of justice [145] are denied, and defendant's motions in limine [99, 146] are denied without prejudice to being refiled in accordance with the Order Setting Trial and Procedures in Criminal Cases [175].



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 2nd day of November, 2020.